IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 14892 of 1999

Between:

Andhra Pradesh State Road Transport Corporation,

Rep.by its Managing Director,
Musheerabad, Hyderabad.

..... PETITIONER

AND

State Transport Appellate Tribunal,

Rep.by its Presiding Officer,
A.P.,Hyderabad and 3 others

.....RESPONDENTS

ORDER:

This writ petition is filed under Article 226 of the Constitution of India by the A.P.State Road Transport Corporation, aggrieved by the order dated 16.05.1995 passed in R.P.No.21/1995 by the State Transport Appellate Tribunal, Hyderabad.

Heard the learned counsel on either side.

The Regional Transport Authority, Visakhapatnam granted a pucca stage carriage permit to the 4th respondent on the mofussil routes Srikakulam to Simhachalam uphills. After grant of permit the same was referred to the Regional Transport Authority, Srikakulam for concurrence and the petitioner has objected for the said concurrence, but overruling the objections, the Regional Transport Authority, Srikakulam granted concurrence for the proposed route. Aggrieved by the same, a revision petition was filed before the State Transport Appellate Tribunal, Hyderabad (for short 'the Tribunal') by the petitioner Corporation in the year 1993. After condoning the delay, the said revision petition was numbered in the year 1995. But, however, by the impugned order, without going into the merits, the revision petition filed by the Petitioner Corporation was dismissed, only on the ground that process not deposited till 5 P.M. and no representation was made on behalf of the petitioner.

It is submitted by the learned counsel for the petitioner that the objections of the petitioner are overruled merely on the ground that the 4th respondent is an institution and further submitted that in the absence of any special provisions in favour of institutions, the 4th respondent would stand on the same footing of any other applicant. But, however, the same is a matter to be examined by the competent authority, inasmuch as the revision petition is dismissed only on the ground that process fee not deposited and no representation on behalf of the petitioner.

So far as process fee is concerned, there is appearance on behalf of the respondents before the appellate tribunal. In that view of the matter, the Tribunal ought not to have dismissed the revision only on the ground that process fee not deposited. In any event, having regard to the plea of the petitioner and objections

raised, in the interests of justice, I am of the view that further opportunity may be given to the petitioner Corporation to pursue the revision for adjudication on merits.

For the foregoing reasons, the impugned order dated 16.05.1995 passed in RP.No.21/1995 by the Tribunal is set aside and the matter is remitted back to the Tribunal for re-consideration on merits after issuing fresh notices both to the petitioner and respondents therein. Inasmuch as the revision filed in the year 1993, the Tribunal is directed to dispose of the revision as expeditiously as possible, preferably within a period of three months from today.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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R.SUBHASH REDDY,J

Dated: 25.01.2006

Dsr